

ANTHONY ARCEO J17830
RJ DONOHAN CORR FACILITY
PO BOX 799003 F3B11-226
SAN DIEGO, CA 92179

FILED

2008 JUL -7 AM 8:55

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY Rm DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT

NUNC PRO TUNC

JUN 25 2008

ANTHONY ARCEO,
PETITIONER,

VS

JAMES TILTON, SECRETARY,
RESPONDENT,

CASE NO _____

07 CV 02131 W BLM

NOTICE OF MOTION AND MOTION
TO FILE LATE RESPONSE IN
OPPOSITION TO US MAGISTRATES
REPORT AND RECOMMENDATIONS
28 USCA Rule 28(8), 30

I ANTHONY ARCEO HEREBY REQUEST TO FILE A BRIEF
AS SOON AS I CAN MAKE COPIES AND GET TO THE LAW
LIBRARY, REQUEST 30 DAYS,

1. I AM THE PETITIONER IN THE ABOVE ENTITLED MATTER,
2. PETITIONER HAS A DATE TO FILE HIS RESPONSE BY

JUNE 24, 2008.

2. THAT YOUR PETITIONER RECEIVED THE COURTS REPORT ON JUNE 10, 2008. AND REQUEST 30 DAYS.
3. THAT YOUR PETITIONER HAD THE ABILITY TO GO TO THE LAW LIBRARY SINCE THE 11 OF JUNE THREE TIMES HOWEVER TWO OF THOSE TIMES THE YARD WAS CLOSED DUE TO TRUCKS ON THE YARD.
4. THAT YOUR PETITIONER HAS CALLED THE LAW LIBRARY BY HOUSING UNIT 11 OFFICER CORTES AND SHE STATED NO.
5. THAT YOUR PETITIONER WAS LATE TO THE CALIFORNIA SUPREME COURT FOR EXACTLY THE SAME REASON, NO LAW LIBRARY, (I NEED COPIES). FARETTA V CALIFORNIA 422 US 806, 95 SCT 2525 AND HAINES V KERNER 404 US 519, 92 SCT 594.
- 6 THAT YOUR PETITIONER IS NO ATTORNEY TAYLOR V LIST 880 F 2d 1048-49, BOUNDS V SMITH 430 US 828, 97 SCT 1491.

Conclusion

GRAT 30 DAYS SO HE CAN GET COPIES

I DECLARE UNDER PENALTY OF PERJURY AND LAWS OF THIS STATE. I HAVE READ THE ABOVE STATEMENTS AND BELIEVE ALL THEM TO BE TRUE

DATE JUNE 23, 2008

Anthony Arceo
ANTHONY ARCEO 517820
PRO SE LITIGANT

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

[C.C.P. §§ 446, 2015.5; 28 U.S.C. §1746]

I, ANTHONY ARCEO, am a resident of the State of California and am over the age of eighteen years and am not a party to the above-entitled action. My address is listed below.

On JUNE 23, 08, I served the following documents:

MOTION FOR ENLARGEMENT OF TIME

by placing a true copy thereof enclosed in a sealed envelope with First Class postage thereon fully prepaid in the United States Mail by delivering to prison officials for processing through the Institution's internal legal mail system at San Diego California, addressed as follows::

USDC SOUTHERN
880 FRONT ST. STE 4290
SAN DIEGO, CA. 92101

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed in the County of San Diego, California on JUNE 23, 2008

ANTHONY ARCEO
RT DENOVAN CORR FACILITY
P.O. Box 799003
San Diego, CA 92179-900 3

Pursuant to the holding of the United States Supreme Court in Houston v. Lack 108 S. Ct. 2379, 487 U.S. 266, 101 L.Ed.2d 245 (1988) and FRAP, Rule 4 (c) inmate legal documents are deemed filed on the date they are delivered to prison staff for processing and mailing via the Institution's internal legal mail procedures.